

In the United States District Court for
the Northern District of Texas

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2014 FEB 12 PM 2:11

	}	
	}	
Robert Allan	}	Libel of Review
	}	
	}	- common law counterclaim in admiralty -
	}	- notice lis pendens -
v	}	-verified statement of right -
	}	
	}	Re: God-given unalienable rights in the original
Jacob Joseph LEW	}	estate - Article III; Constitution
	}	
	}	CASE # - 3-13CV1896 - P

**3rd MOTION for CRIMINAL COMPLAINT AUTHORIZATION
with SUPPLEMENT TO AMENDED AFFIDAVIT ATTACHED**

Claimant respectfully submits this 3rd motion for criminal complaint authorization, with supplement to amended affidavit attached, from Monumental Process Servers, Inc. to this honorable court for authorization of the criminal complaint against Joseph A. Pitzinger, U.S. DOJ, Tax Division, S.W. Section.

It is clear from the attached Supplement to Amended Affidavit of Service that the Amended Affidavit of Service sworn to on July 9th, 2013 was compelled testimony forced upon the process server, Monumental Process Servers, Inc. by Joseph Pitzinger of the U.S. DOJ Tax Division Southwest Section.

Excerpts from the Sworn Statements of Kathy Acamine of Monumental Process Servers, Inc.

Kathy Acamine of Monumental Process Servers, Inc. swears in statement no. 5 that Mr. Joe Pitzinger of the U.S. DOJ Tax Division Southwest Section "left a voicemail for me to contact him regarding the Affidavit of Service."

Statement no. 6 explains that a discussion between Kathy Acamine and Mr. Pitzinger was about certain offices, i.e., the mail room, that were authorized to accept cases.

Statement no. 7 indicates that Kathy Acamine gave Mr. Pitzinger the phone number to the mail-room of the Secretary of Treasury for him to discuss the matter with them directly. Ms. Acamine does not state whether or not Mr. Pitzinger asked her for the phone number.

In statement no. 8, it is clear that Mr. Pitzinger plants the seed of 'service of personal process' and Ms. Acamine refers to Exhibit B.

Statement no. 9 contains details of a reply to Mr. Pitzinger where Ms. Acamine asks Mr. Pitzinger if "our affidavit needed to be amended to include the circumstances of service". She then references Exhibit B once more. At this point, the affidavit is no longer given freely and without duress, but is concocted and tainted testimony conjured up by Mr. Pitzinger.

In statement no. 10, Ms. Acamine testifies that Mr. Pitzinger replies by email stating that "we (Monumental) should change our affidavit..."

Statement no. 11 states that Monumental did amend the Affidavit of Service "to reflect corrections pursuant to the email correspondence with Mr. Joe Pitzinger."

Claimant alleges that Joseph A. Pitzinger misused his authority, under the color of law, as a Department of Justice attorney, to illegally influence and to tamper with the witness, Monumental Process Servers, Inc. and caused Monumental Process Servers, Inc. to fraudulently testify under oath, via the amended Affidavit, which was at the direction of Mr. Pitzinger, sworn to on July 9th, 2013, and then Mr. Pitzinger did submit as evidence the fraudulent amended affidavit of service as document 17-1, filed on December 16th, 2013 in this instant case.

Claimant prays again that this honorable court will realize that claimant is not submitting this criminal complaint himself, but is only requesting that the Court initiate the process of filing the criminal complaint on his behalf. Claimant believes it is the courts' duty to recognize this fraud upon the court and the crimes committed against claimant and against the United States, and authorize the attached criminal complaint.

Respectfully submitted this 31st day of January, 2014.

Robert Allan [NOMEN] Conlon

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

ROBERT ALLAN
Plaintiff

vs.

JACOB JOSEPH LEW
Defendant

Case Number: 3-13CV1896-P

* * * * *

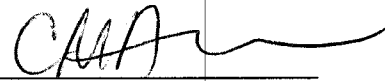
SUPPLEMENT TO AMENDED AFFIDAVIT OF SERVICE

The undersigned hereby certifies as follows:

1. That I am a competent private person over eighteen (18) years of age and not a party to the above action. That I am the Data Entry Supervisor for Monumental Process Servers, Inc., a firm that provides legal support.
2. That on 05/28/2013, Monumental received a Summons, Libel of Review (Common Law Counterclaim In Admiralty, Notice of Lis Pendens, and Verified Statement of Right) from the plaintiff, Robert Allan. That the instructions were to serve the Defendant, Jacob Joseph Lew at 1500 Pennsylvania Ave NE, Washington, DC 20220.
3. That on 05/29/2013, Kevin Dillard, an independent contractor for Monumental Process Servers Inc served the case upon Aaron Wedge, Mail Room Clerk at 1500 Pennsylvania Ave NE, Washington, DC 20220.
4. That Monumental generated an Affidavit of Service (attached as Exhibit A) and forwarded this to Robert Allan by mail.
5. That on 07/01/2013, Mr. Joe Pitzinger of the U.S. DOJ Tax Division Southwest Section in Dallas Texas left a voicemail for me to contact him regarding the Affidavit of Service.
6. That on 07/01/2013, I called Mr. Joe Pitzinger and discussed the procedure of service of process on Federal Offices in Washington DC. That we discussed that certain offices, such as a mail room, are authorized to accept cases.
7. That I gave Mr. Pitzinger the phone number of the Mail Room of the office of the Secretary of Treasury for him to discuss the matter with them directly. That the phone number was 202-622-1650. That the name of the contact person there was James Little.
8. That Mr. Pitzinger emailed me on 07/02/2013 stating that he had discussed service of personal process with the staff at the mail room of the Secretary of Treasury. That his email stated that Secretary Lew "may have been served in his official capacity, but not in any individual capacity" (Exhibit B).
9. That on 07/02/2013, I replied to Mr. Pitzinger's email asking if our affidavit needed to be amended to include the circumstances of service (Exhibit B)
10. That on 07/02/2013, Mr. Pitzinger replied by email stating that we should change our affidavit to "include that no one in the mailroom has the authority to accept service except for actions against Treasury officials or employees being sued in their official capacity" (Exhibit B).

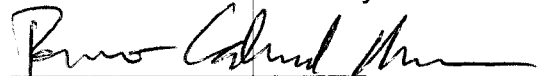
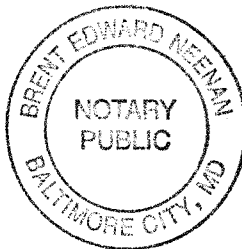
11. That Monumental amended the Affidavit of Service to reflect corrections pursuant to the email correspondence with Mr. Joe Pitzinger. That a copy of the Amended Affidavit of Service was mailed to Robert Allan and to Joe Pitzinger (see attached Exhibit C).
12. That on 07/19/13, I received a call from Robert Allan regarding the Amended Affidavit of Service he received by mail. That I explained to him the correspondence with Joe Pitzinger of the U.S. DOJ Tax Division. That Mr. Allan asked if he could be furnished a copy of my email correspondence with Joe Pitzinger for his records.
13. That on 07/19/13, I emailed Joe Pitzinger to inform him that Robert Allan had asked to be furnished a copy of my email correspondence with him regarding the Affidavit of Service for case number 13cv1896. That he replied to state that "You are not my client and you can forward what I send to whomever you want." (Exhibit D)
14. That this document is being issued upon the request of Robert Allan.

I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.



Kathy Acamine
Monumental Process Servers, Inc.
823 Martin Luther King, Jr., Blvd.
Baltimore, MD 21201
[410] 523-4980

Subscribed and sworn to before me, a Notary Public for the State of Maryland this
30th day of January, 2014



Brent Edward Neenan
My Comm. Exp. 04/01/2014

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

ROBERT ALLAN
Plaintiff

vs.

JACOB JOSEPH LEW
Defendant

Case Number: 3-13CV1896-P

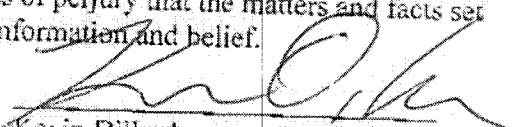
AFFIDAVIT OF SERVICE

The undersigned hereby certifies as follows:

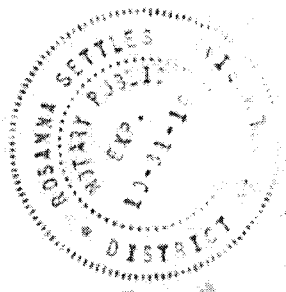
1. That I am a competent private person over eighteen (18) years of age and not a party to the above action.
2. That I served upon Aaron Wedge, Mail Room Clerk, who acknowledged that he is authorized to accept on behalf of JACOB JOSEPH LEW (Description: Sex: M, Race: african-american, Height: 6ft 1in - 6ft 6in, Weight: 201 - 250 lbs., Approximate Age: 40 - 44) on 5/29/2013, at 3:18 PM, at 1500 Pennsylvania Ave NE, Washington, DC 20220, by leaving with Aaron Wedge, Mail Room Clerk, who acknowledged that he is authorized to accept on behalf of JACOB JOSEPH LEW a copy of the following:

Summons, Libel of Review (Common Law Counterclaim In Admiralty, Notice of Lis Pendens, Verified Statement of Right)

I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.


Kevin Dillard
Monumental Process Servers, Inc.
823 Martin Luther King, Jr., Blvd.
Baltimore, MD 21201
[410] 523-4980

Subscribed and sworn to before me, a Notary Public for the District of Columbia,
this 11th day of June, 2013.



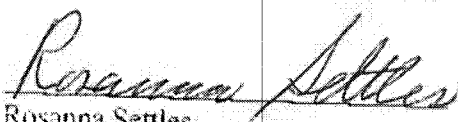

Rosanna Settles
My Commission Expires: 10/31/2016

EXHIBIT A

Kathy Acamine

From: Pitzinger, Joseph A. (TAX) [Joseph.A.Pitzinger@usdoj.gov]
Sent: Friday, July 05, 2013 6:53 PM
To: Kathy Acamine
Subject: RE: Robert A Conlan , 13cv1896

Looks fine. Thank you. Please send me a copy when signed.

Joe Pitzinger
U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

From: Kathy Acamine [mailto:kathy.acamine@monumentalps.com]
Sent: Friday, July 05, 2013 11:17 AM
To: Pitzinger, Joseph A. (TAX)
Subject: RE: Robert A Conlan , 13cv1896

Hello,

Kindly review the attached Amended Affidavit of Service. Please let me know if there is anything I need to revise.

Thank you very much,

Kathy

-----Original Message-----

From: Pitzinger, Joseph A. (TAX) [mailto:Joseph.A.Pitzinger@usdoj.gov]
Sent: Tuesday, July 02, 2013 4:56 PM
To: Kathy.Acamine@monumentalps.com
Subject: RE: Robert A Conlan , 13cv1896

I believe you should change your affidavit. I think you should also include that you have now been told that no one in the mail room has the authority to accept service except for actions against Treasury officers or employees being sued in their official capacity.

Joe Pitzinger
U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

From: Kathy.Acamine@monumentalps.com [mailto:Kathy.Acamine@monumentalps.com]
Sent: Tuesday, July 02, 2013 12:57 PM

7/11/2013

EXHIBIT B

To: Pitzinger, Joseph A. (TAX)
Subject: RE: Robert A Conlan , 13cv1896

Hello,

I apologize for the late reply. Our Server is encountering some issues and I am getting some problems with my Outlook.

Please let me know if you need us to amend the Affidavit of Service and include in the Affidavit that circumstances of the service. I can forward a copy to you before I get it signed and notarized to be proofed so we can make sure that it is correct.

Please advise.

Thanks,
Kathy

----- Original Message -----

Subject: RE: Robert A Conlan , 13cv1896
From: "Pitzinger, Joseph A. (TAX)" <Joseph.A.Pitzinger@usdoj.gov>
Date: Tue, July 02, 2013 8:51 am
To: <kathy.acamine@monumentalps.com>

Kathy, I have discussed the service of personal process with Treasury. They have assured me that the mail room is not authorized to officially accept any personal service against anyone. They are authorized to accept service for those being sued in their official capacity. In this case Secretary Lew may have been served in his official capacity, but he is not served in any individual capacity.

Joe Pitzinger
U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

From: Pitzinger, Joseph A. (TAX)
Sent: Monday, July 01, 2013 2:16 PM
To: kathy.acamine@monumentalps.com
Subject: Robert A Conlan , 13cv1896

Cathy, Thank you and Monumental Process Servers, Inc. for returning my call. It is my understanding you said that since your service cannot get into the federal buildings certain people are authorized to accept personal service on behalf of the federal employees or "they" will tell you how the individual can be personally served. I don't believe that is true. It is my understanding that the mail room may have authorization to accept service on behalf of Lew in his official capacity, but not in his personal capacity. As you recognized in your

7/11/2013

message, the complaint you left with Aaron Wedge is a Bivens action, which is against an employee, personally.

I disagree that Arron Wedge has authority to accept personal service on behalf of Mr. Lew. Please send me your verification or change your affidavit.

Joe Pitzinger
U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

7/11/2013

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

ROBERT ALLAN
Plaintiff

vs.

JACOB JOSEPH LEW
Defendant

Case Number: 3-13CV1896-P

AMENDED AFFIDAVIT OF SERVICE

The undersigned hereby certifies as follows:

1. That I am a competent private person over eighteen (18) years of age and not a party to the above action.
2. That I served upon Aaron Wedge, Mail Room Clerk, who acknowledged that he is authorized to accept on behalf of JACOB JOSEPH LEW, in his official capacity as the Secretary of the Treasury (Description: Sex: M, Race: african-american, Height: 6ft 1in - 6ft 6in, Weight: 201 - 250 lbs., Approximate Age: 40 - 44) on 5/29/2013, at 3:18 PM, at 1500 Pennsylvania Ave NE, Washington, DC 20220, by leaving with Aaron Wedge, Mail Room Clerk, who acknowledged that he is authorized to accept on behalf of JACOB JOSEPH LEW, in his official capacity as the Secretary of the Treasury a copy of the following:

Summons, Libel of Review (Common Law Counterclaim In Admiralty, Notice of Lis Pendens, Verified Statement of Right)

3. That personal service upon Jacob Joseph Lew, who is being sued individually, is not allowed at the above given address. That per mail room staff, no one at the given office is authorized to accept documents on behalf of any defendants being sued individually. That they are only authorized to accept service for actions against Treasury officers or employees being sued in their official capacity.

I do solemnly declare and affirm under the penalties of perjury that the matters and facts set forth herein are true to the best of my knowledge, information and belief.


Kevin Dillard

Monumental Process Servers, Inc.
823 Martin Luther King, Jr., Blvd.
Baltimore, MD 21201
[410] 523-4980

Subscribed and sworn to before me, a Notary Public for the District of Columbia,
this 9th day of July, 2013.


Rosanna Settles

My Commission Expires: 10/31/2016

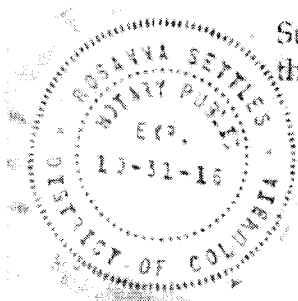


EXHIBIT C

Kathy Acamine

From: Pitzinger, Joseph A. (TAX) [Joseph.A.Pitzinger@usdoj.gov]
Sent: Friday, July 19, 2013 6:22 PM
To: Kathy Acamine
Subject: RE: Robert A Conlan , 13cv1896

You are not my client and you can forward what I send to whomever you want.

Joe Pitzinger
U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

From: Kathy Acamine [mailto:kathy.acamine@monumentalps.com]
Sent: Friday, July 19, 2013 3:32 PM
To: Pitzinger, Joseph A. (TAX)
Subject: RE: Robert A Conlan , 13cv1896

Hello,

Our client, Robert Conlan received a copy of the Amended Affidavit of Service and called our office. I had advised him of our correspondence by phone and email regarding the Affidavit and he asked if he can get a copy of our email correspondence for his records.

Please advise if this is ok with you.

Thank you,
Kathy

-----Original Message-----

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Sent: Friday, July 05, 2013 6:53 PM
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U.S. DOJ, Tax Division, Southwest Section
717 North Harwood, Suite 400
Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

From: Kathy Acamine [mailto:kathy.acamine@monumentalps.com]
Sent: Friday, July 05, 2013 11:17 AM

7/30/2013

EXHIBIT D

To: Pitzinger, Joseph A. (TAX)
Subject: RE: Robert A Conlan , 13cv1896

Hello,

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Kathy

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Date: Tue, July 02, 2013 8:51 am
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7/30/2013

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Subject: Robert A Conlan , 13cv1896

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I disagree that Arron Wedge has authority to accept personal service on behalf of Mr. Lew. Please send me your verification or change your affidavit.

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Dallas, Texas 75201
Direct 214-880-9728
Receptionist 214-880-9721
Fax 214-880-9741

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

United States of America)

v.)

US Department of Justice) Case No.

)

)

)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 7/25/13 in the county of Dallas in the
Northern District of Texas, the defendant(s) violated:

Code Section

Title 18 §1512(b)

Offense Description

Tampering with a Witness. Aggravated by the witness being a professional
 process server.

Title 18 §505

Monumental Process Services testifies that the DoJ is pretending to be "The
 Court". - Seals of courts; signatures of judges or court officers...

This criminal complaint is based on these facts:

Email to Monumental Process Servers (attached) - DoJ pretending to be "The Court" and ordering Monumental to alter
 the Return of Service to a nondescriptive document without any specificity.

☒ Continued on the attached sheet.


Complainant's signature

Robert Allan [NOMEN] Conlon

Printed name and title

Sworn to before me and signed in my presence.

Date: _____

Judge's signature

City and state: _____

Printed name and title